

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FILED  
MAR 11 2009  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

RAY M. WHITE and  
CRW MANAGEMENT, L.P.

Defendants.

and

CHRISTOPHER R. WHITE and  
HURRICANE MOTORSPORTS, LLC

Relief Defendants

Civil Action No. 3:09-cv-0407-K  
ECF

**AGREED ORDER OF PRELIMINARY INJUNCTION AND  
OTHER EQUITABLE RELIEF AS TO DEFENDANT RAY M. WHITE**

This matter came on before me, the undersigned United States District Judge, on the unopposed motion of Plaintiff Securities and Exchange Commission ("Commission") for issuance of preliminary injunction and other equitable relief against Ray M. White ("Defendant").

Defendant has admitted to personal service by the Commission of a copy of the *Summons*, *Complaint* and emergency motion filed in the above captioned matter; has agreed for purposes of this action only to the entry of this *Agreed Order of Preliminary Injunction and Other Equitable Relief* ("Order"), without admitting or denying the allegations contained in the *Complaint*; has agreed that this Court has jurisdiction over him and subject matter of this action; and has agreed to waive a hearing and the entry of findings of fact and conclusions of law. Based on the

pleadings and documents filed in this case and the agreement of the parties, the Court orders the following:

IT IS THEREFORE ORDERED:

1. Defendant, his agents, servants, employees, attorneys, and all other persons in active concert or participation with him, who receive actual notice of this order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from violating Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. §§77e(a) and 77e(c)]:

- a. by making use of any means or instruments of transportation or communication in interstate commerce or of the mails, to sell a security through the use or medium of a prospectus or otherwise; or
- b. by carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, a security for the purpose of sale or for delivery after sale unless a registration statement is in effect as to the security; or to make use of any means or instruments of transportation or communication in interstate commerce of the mails to offer to sell or offer to buy through the use or medium of a prospectus or otherwise a security;

Unless a registration statement has been filed as to the security; or while the registration statement is the subject of a refusal order, stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act.

2. Defendant, his agents, servants, employees, attorneys, and all other persons in active concert or participation with him, who receive actual notice of this order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from violating Section 17(a)

of the Securities Act [15 U.S.C. §77q(a)], directly or indirectly, in the offer or sale of a security, by making use of any means or instruments of transportation or communication in interstate commerce or by use of the mails:

- a. to employ any device, scheme, or artifice to defraud;
- b. to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and/or
- c. to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any purchaser.

3. Defendant, his agents, servants, employees, attorneys, and all other persons in active concert or participation with him, who receive actual notice of this order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from violating Section 10(b) of the Exchange Act and Rule 10b-5 [15 U.S.C. §78j(b) and 17 C.F. R. §240.10b-5], directly or indirectly, in connection with the purchase or sale of a security, by making use of any means or instrumentality of interstate commerce, of the mails or of any facility of any national securities exchange:

- a. to use or employ any manipulative or deceptive device or contrivance;
- b. to employ any device, scheme, or artifice to defraud;
- c. to make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and/or

d. to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

4. Defendant, his officers, agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Order by personal service or otherwise are restrained and enjoined from, directly or indirectly, making any payment or expenditure of funds, incurring any additional liability (including, specifically, by advances on any line of credit and any charges on any credit card), or effecting any sale, gift, hypothecation or other disposition of any asset, pending provision of sufficient proof to the Court of sufficient funds or assets to satisfy all claims alleged in the Commission's Complaint, or the posting of a bond or surety sufficient to assure payment of any such claim.

5. Further, any bank, trust company, broker-dealer, depository institution, entity, or individual holding accounts or assets for or on behalf of the Defendant shall make no transactions in assets or securities (excepting liquidating necessary as to wasting assets) and no disbursement of assets or securities (including extensions of credit, or advances on existing lines of credit), including the honor of any negotiable instrument (including, specifically, any check, draft, or cashier's check) purchased by or for the Defendant, except in accordance with the previously entered orders appointing a receiver in this consolidated case. (Dkt No. 8 (3-09CV0408-L; Dkt No. 8 (3-09CV0407-K; Dkt No. 10 (0-09CV0408-L).

6. Defendant, his agents, servants, employees, attorneys, and other persons in active concert or participation with him, who receive actual notice of this order, by personal service or otherwise, are hereby prohibited from accepting or depositing any additional investor funds prior to a resolution of this dispute on the merits.

7. Defendant, unless having previously complied with the Court's prior order, is hereby required to make an interim accounting, under oath and filed with the Court, within ten days of the issuance of this order, (1) detailing all monies and other benefits which each received, directly and indirectly, as a result of the activities alleged in the *Complaint* (including the date on which the monies or other benefit was received and the name, address and telephone number of the person paying the money or providing the benefit), (2) listing all current assets wherever they may be located and by whomever they are being held (including the name and address of the holder and the amount or value of the holdings) and (3) listing all accounts with any financial or brokerage institution maintained in the name of, on behalf of or for the benefit of the Defendants (including the name and address of the account holder and the account number) and the amount held in each account at any point during the period from January 1, 2006, through the date of the accounting.

8. Defendant and each of his agents, servants, employees and attorneys, and those persons in active concert or participation with him, who receive actual notice of this Order by personal service or otherwise, and each of them, shall, within five (5) days of receiving actual notice of this order, take such steps as are necessary to repatriate and deposit in accordance with the direction of the Receiver in this case, any and all funds or assets that were obtained directly or indirectly from investors that presently may be located outside of the United States. The Receiver is directed to accept these funds, to keep a record of them, and to deposit them into an interest bearing account, pending further order of this Court.

9. Defendant, his agents, servants, employees, attorneys and other persons in active concert or participation with him who receive actual notice of this order, by personal service or otherwise, are hereby restrained and enjoined from destroying, removing, mutilating, altering,

concealing and/or disposing of, in any manner, any books and records owned by or pertaining to the financial transactions and assets of Defendant.

10. To effectuate the provisions of this Order, the Commission may cause a copy of this Order to be served on any bank, trust company, broker-dealer, depository institution, entity, or individual either by United States mail, by electronic mail, or by facsimile as if such service were personal service, to restrain and enjoin any such institution, entity, or individual from disbursing assets, directly or indirectly, to or on behalf of Defendant or any companies or persons or entities under his control.

11. The Commission is authorized to serve process on, and give notice of these proceedings and the relief granted herein, to the Defendant by U.S. Mail, electronic mail, facsimile, or by any other means authorized by the Federal Rules of Civil Procedure.

12. The provisions of this order shall remain in effect until the Court has ruled on all of the Commission's claims on the merits.

Signed 11:05 o'clock p.m. CDT this 18th day of March, 2009.



Ed Kinkeade  
United States District Judge

Approved as to form and entry requested:

Timothy S. McCole  
TIMOTHY S. McCOLE  
Mississippi Bar No. 10628  
Attorney for Plaintiff  
U.S. SECURITIES and EXCHANGE COMMISSION  
Burnett Plaza, Suite 1900  
801 Cherry Street, Unit #18  
Fort Worth, Texas 76102-6822  
Telephone: (817) 978-6453  
Facsimile: (817) 978-4927  
McColeT@SEC.gov

Ray M. White  
RAY M. WHITE  
Defendant, *pro se*